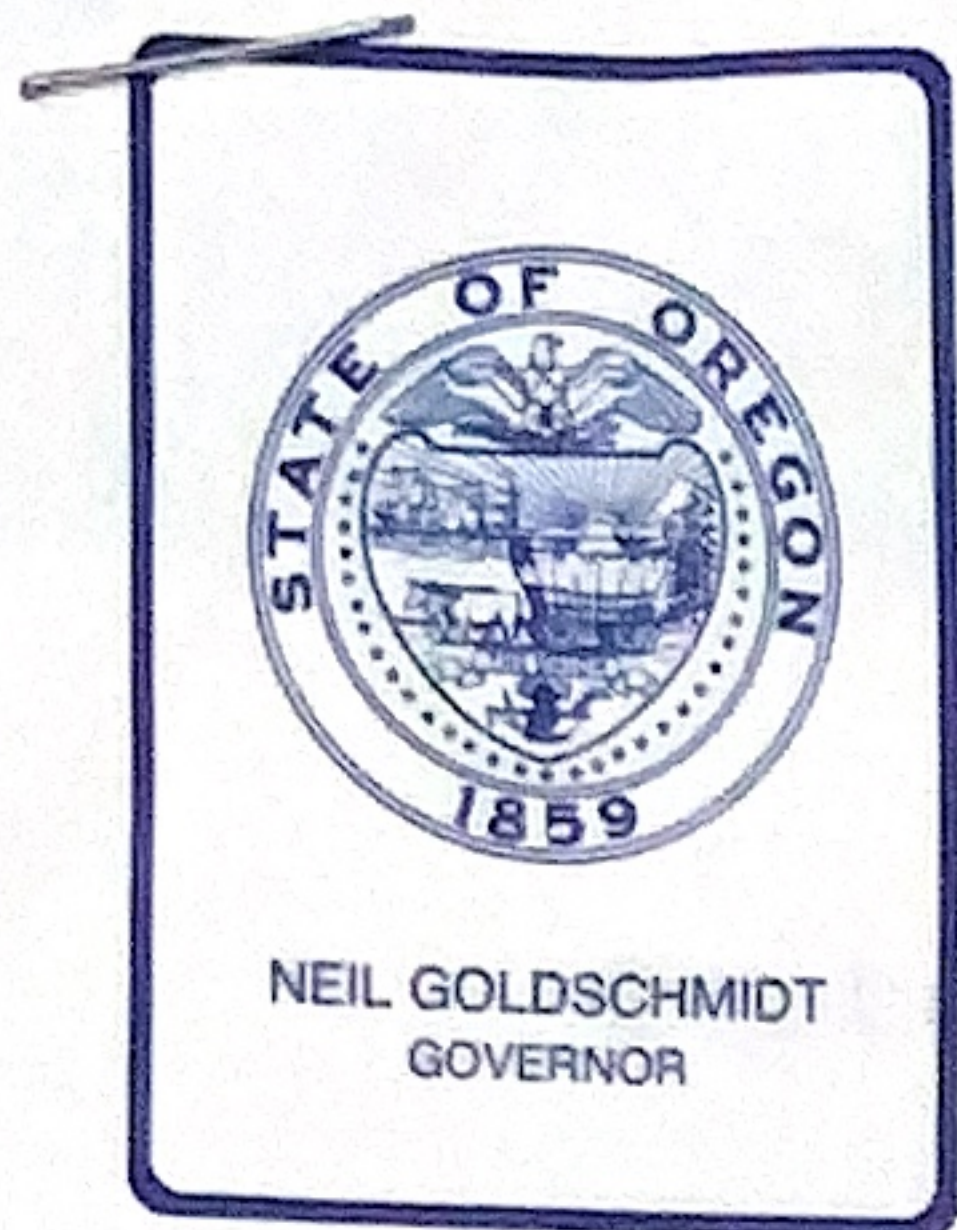




Department of Transportation

TRANSPORTATION BUILDING, SALEM, OREGON 97310

October 29, 1990

In Reply Refer To
File No.:

AGR

City of Elgin
PO Box 128
Elgin, OR 97827

Attn: Joe Garlitz
City Recorder

Attached for your records is a fully executed copy of an agreement for the improvement of Birch Street (12th Avenue to 17th Avenue) and 14th Avenue (Birch Street to Division Street).

We have retained a fully executed copy of this agreement for the Transportation Commission's files.

Fran Neavoll

Fran Neavoll
COMMISSION SERVICES

br
Attachment

September 28, 1990

Misc. Contracts & Agreements
No. 10409

SPECIAL CITY ALLOTMENT AGREEMENT

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, Highway Division, hereinafter referred to as "State"; and the CITY OF ELGIN, a municipal corporation of the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City".

WITNESSETH

RECITALS

1. By the authority granted in ORS 366.800 and 366.805, there has been with drawn from state highway funds appropriated for allocation to the several cities of the State of Oregon the sum of Five Hundred Thousand and No/100 (\$500,000) Dollars and from Highway Division funds the sum of Five Hundred Thousand and NO/100 (\$500,000) Dollars. These sums have been set up in a separate account to be administered by the Transportation Commission, and to be allotted each year by Commission, to be used within cities, upon streets not a part of the state highway system, which are receiving excessive wear through sudden increases in population in the area or heavy and unusual traffic. No one project can receive more than \$25,000.

2. By the authority granted in ORS 366.805(2), City has requested monies from this account for the improvement of: Birch Street (12th Avenue to 17th Avenue) and 14th Avenue (Birch Street to Division Street). Said improvement shall consist of: Widening existing roadway and overlay with 2 inches of Asphalt Concrete pavement, and placement of sub-base material where widening existing roadway.

Attahed hereto, marked "Exhibit A" and by this reference made a part hereof, is a sketch map showing the location and approximate limits of project.

3. State has considered request of City for project and has determined that this project is eligible for funding under the Special City Allotment Program.

NOW THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

STATE OBLIGATIONS

1. State shall administer the funds in the Special City Allotment Account in the following manner:

- (a) State shall, upon execution of project agreement and concurrence on the plans and specifications, advance City one-half (50%) of the estimated cost of the project, not to exceed \$12,500.
- (b) State shall, upon satisfactory final inspection by State and certification of acceptance of work by the City, accompanied by documentation of all project costs, make final payment to City. Total payments to City, including advance payment, shall not exceed a total of \$25,000.

CITY OBLIGATIONS

1. City shall provide all right-of-way at its sole expense. The acquisition of real property must comply with current Oregon law, namely ORS 281.045 through ORS 281.105.
2. City shall relocate or reconstruct, or cause to be relocated or reconstructed, all privately or publicly owned utility conduits, lines, poles, mains, pipes and all other facilities of every kind and nature where such relocation or reconstruction is made necessary by the plans of the project in order to conform the utilities and other facilities with the plans and the ultimate requirements of the project.
3. City shall prepare, or cause to be prepared, the plans and specifications for said project and advertise the project, contract the work, do the construction engineering, and make the necessary contract payments, unless otherwise agreed upon.
4. City shall submit two sets of the plans and specifications to State, for review and concurrence, prior to advertising the project for bids.
5. City shall, during the course of the work, accumulate and retain documentation for all project costs.

6. Upon completion of the project, City shall certify to State that the project is complete in substantial conformance with the plans and controlling specification. City shall submit a billing for the remaining cost of the project which, when added to the amount previously advanced by State, shall not exceed the actual total cost of the project or \$25,000, whichever is the lesser.

7. Upon completion of the project, City shall provide maintenance at its sole expense.

8. City understands those streets or portions of streets, upon which SCA funds have been expended, are not eligible for additional SCA funds for a period of ten (10) years following the approval for such funds.

9. City understands that if the project is cancelled by City after City has received the advance of one-half (50%) of the estimated cost of the project, they are responsible to immediately repay the full amount of the advance.

10. City shall adopt an ordinance or resolution authorizing the Mayor and Recorder to enter into this agreement.

GENERAL PROVISIONS

1. Subject to the limitations of the Oregon Constitution and statutes, the City and State each shall be solely responsible for any loss or injury caused to third parties arising from City's or State's own acts or omissions under this agreement and City or State shall defend, hold harmless and indemnify the other party to this agreement with respect to any claims, litigation or liability arising from City's or State's own acts or omissions under this agreement.

2. The contractor, its subcontractors, if any, and all employers working under this Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.

3. The parties hereto mutually agree and understand that the cost of said project shall be paid for by Special City Allotment funds and by City as follows: Special City Allotment funds will pay for eligible project costs up to an amount not-to-exceed \$25,000, and City shall pay any costs in excess of Twenty-Five Thousand and No/100 (\$25,000) Dollars.

4. Documented cost of engineering services performed by the City or the City's consultant are eligible project costs.

5. The parties agree that this agreement shall become null and void if the contract for construction of this project is not completed within 2 years of the date of Commission approval, unless an extension is granted by State.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the date hereinafter written.

This project was approved by the Oregon Transportation Commission on September 18, 1990, at which time the State Highway Engineer was authorized and directed to sign the necessary agreements for and on behalf of the Commission. Said authority to sign has been further delegated to the Manager of the Program Section pursuant to Subdelegation Order HWY-6 paragraph 11.

APPROVAL RECOMMENDED

By

Date

L. H. Wilson
10-17-90

STATE OF OREGON, by and through
its Department of Transportation,
Highway Division

By

Lam Gilmore
Manager, Program Section

Date

10/26/90

CITY OF ELGIN Oregon,
acting by and through its
Authorized Officials

By

Laura C. Spitzer
Mayor

By

Joe Gault
City Recorder

RESOLUTION NO. 1990-20

WHEREAS, THE STATE OF OREGON, acting by and through its Oregon
Transportation Commission, has caused to be prepared and submitted to
the CITY OF Elgin an agreement providing for the
improvement of Birch St. (from 12th to 17th) and
14th (from Birch to Division)
within said City; and

WHEREAS, said agreement has been read in full to the Council of said
City and approved as submitted;

NOW, THEREFORE, BE IT RESOLVED by the City of Elgin
that the Mayor and Recorder are hereby authorized and directed to execute
said agreement on behalf of the City.

* * * * *

The foregoing resolution was duly adopted by the Council of the City
of Elgin on the 9th day of October, 1990.

By Lloyd C. Spikes
Mayor

ATTEST

[Signature]
City Recorder



Department of Transportation
HIGHWAY DIVISION
Region 5

2111 ADAMS AVE., P.O. BOX 850, LA GRANDE, OREGON 97850 PHONE 963-3177

October 3, 1990

Joe Garlitz
City Recorder
City of Elgin
P.O. Box 128
Elgin, Oregon 97827

In Reply Refer to
File No.:

Dear Joe:

Re: Agreement No. 10409
1990 Special City Allotment (SCA) Program

Enclosed are four (4) copies of Agreement No. 10409 concerning your improvement projects on Birch Street & 14th Ave..

Please examine the agreement carefully. Your special attention is directed to **THINGS TO BE DONE BY STATE**, 1 (a) which calls for execution of this agreement and concurrence of the plans and specifications before advancement of 50 percent of the estimated project cost (not to exceed \$12,000) will be made. Also, under **THINGS TO BE DONE BY CITY**, the City shall submit two (2) sets of plans and specifications to the State for review and concurrence before the project is advertised. Also, the State will not reimburse the City for any cost incurred for this project prior to January 1, 1991 and or prior to complete execution of this agreement.

If the agreement is acceptable, present it the City Council for adoption of a resolution (suitable one is attached for your use) allowing the Mayor and yourself to enter into this agreement.

After the resolution and agreement have been signed, return the three (3) blue bound copies to me for further processing. Retain the unbound copy for your interim record until you receive a fully executed copy.

Do not hesitate to call if you should have any questions.

Sincerely,

Roger C. Lang
Region 5 Federal Aid Specialist

MJK/mjk

cc: Mike Shultz



RLD:pf
1/21/87

CITY OF ELGIN

SPECIAL CITY ALLOTMENT (SCA) APPLICATION

CITY OF Elgin SPECIAL CITY ALLOTMENT (SCA) APPLICATION
Street Name Birch Date June 6, 1990
(Locate on map) (From 12th to 17th)

Project Length 1850 (From Birch to Division)
Estimated project cost \$32,000 AVERAGE DAILY TRAFFIC Cars Trucks

STREET SECTION:		Shldr	Travel Lane	Travel Lane	Shldr	
Existing width:		<u>4'</u>	<u>10'</u>	<u>10'</u>	<u>4'</u>	gravel AC (14th)
Proposed width:		<u>4'</u>	<u>10'</u>	<u>10'</u>	<u>8'</u>	

PAVEMENT: Type (Gravel, Oil Mat, A.C. or P.C.C.) Extg AC Proposed AC Thkn 2" Ovl
CURBS: Extg 300' Proposed: Length No Chg Type - (Curb, Curb & Gutter, Other)

SIDEWALK: Extg 300' Proposed: Width No Chg Length -

STORM SEWER: Extg No Proposed: Adjust - New, Inlets - Pipe (dia. - length -)

BRIDGE: Name N/A No. - Length - Width -

Name of Stream - Type of Structure -

Sufficiency Rating No. - Will street work also be done? -

RIGHT OF WAY: Width 60'+ Adequate or City to acquire additional? See Map

Remarks: See Enclosures

By Mayor Lloyd Spikes

By City Recorder / Administrator Joe Garlitz

CITY OF ELGIN

Elgin, Oregon 97827

Phone 437-2253

SMALL CITIES HIWAY GRANT SPECIAL CITY ALLOTMENT

The City of Elgin proposes to repair portions of Birch street and 14th street. These streets carry the traffic to and from the Elgin High School. During the school year the traffic over these streets is unusually heavy. Passenger car traffic during the morning and in the afternoon is very heavy. There is also considerable traffic during the noon lunch break and in the evenings. The evening traffic during meetings and sporting events is quite high as well. The school bus traffic over these streets causes heavy loading of the streets and adds to their extra wear.

This portion of Birch is close to the mill. As a result several log trucks are home based along the street. Though the trucks are not loaded while traveling on the street they do cause an additional heavy load stress to the street base.

The existing condition of the streets is as shown on the attached area map. Right-of-way widths and street project lengths are indicated thereon.

The project proposed is as follows:

BIRCH STREET

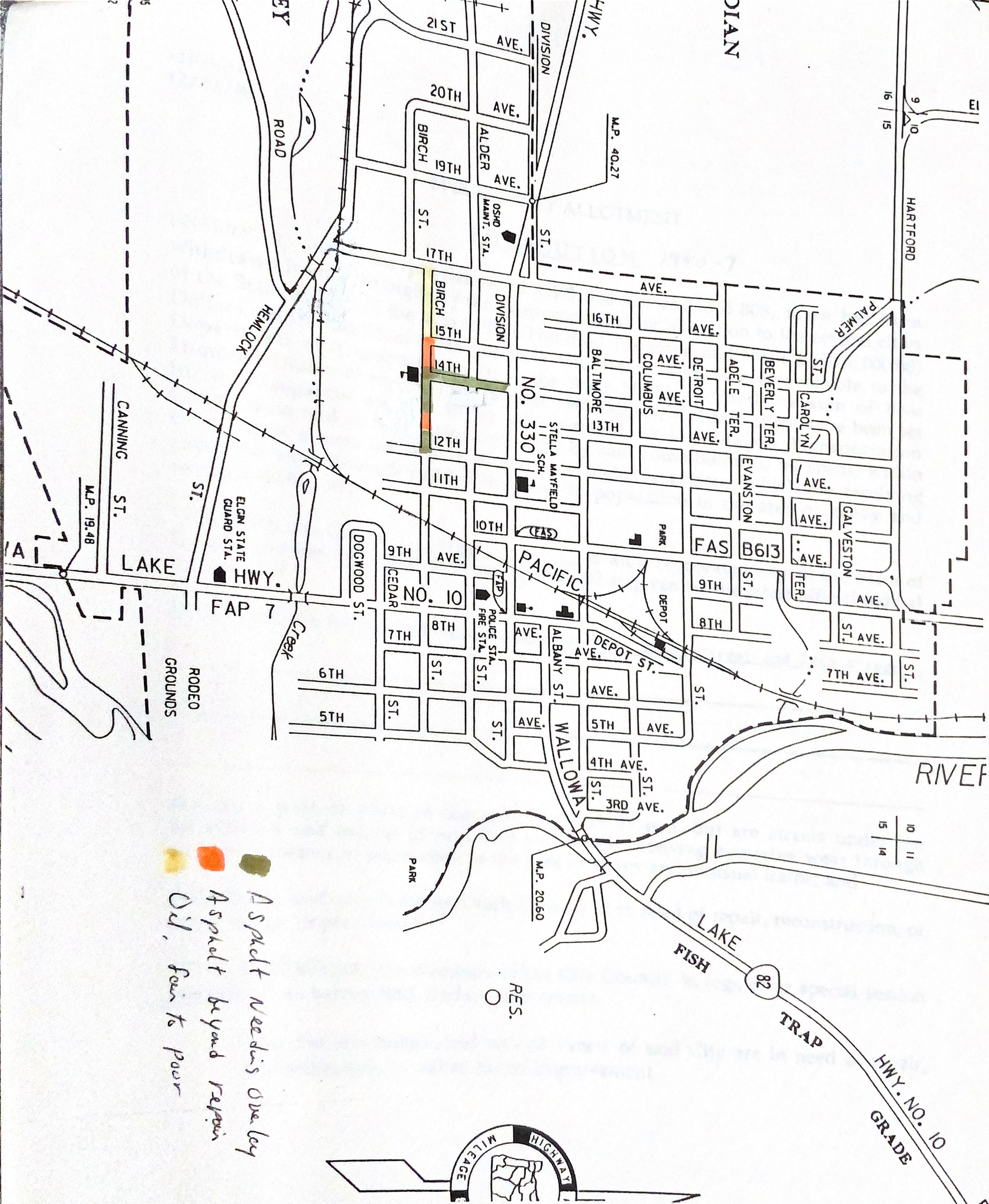
Clean and tack with CSSI emulsified asphalt, build crown in center of the street, patch holes and overlay with a 2 inch compacted mat of asphalt. Two areas are involved, one 10'x390', and one 20'x1270'

14TH STREET

Widen the street 8' for a length of 480'. Excavate the area and compact the sub-base, overlay with a 2" compacted mat of asphalt.

Clean and tack with CSSI emulsified asphalt, pre-level and patch pot holes, then overlay with a 2" mat of compacted asphalt. Total street length 580', width 28'.

The project cost is estimated to be \$32,000. The grant portion of the project would be \$25,000 and the city portion will be about \$7,000.



SPECIAL CITY ALLOTMENT

RESOLUTION 1990-7

WHEREAS, under the provisions of ORS 366.800 and 366.805, there has been withdrawn from state highway funds appropriated for allocation to the several cities of the State of Oregon the sum of Five Hundred Thousand and No/100 (\$500,000.00) Dollars, and in addition there has been withdrawn from monies available to the Department of Transportation from the State Highway Fund the sum of Five Hundred Thousand and No/100 (\$500,000.00) Dollars, and said sums have been set up in a separate account to be administered by the Oregon Transportation Commission and to be allotted each year by said commission to be spent, within cities, upon streets not a part of the state highway system, which are receiving excessive wear through sudden increases in population in the area or heavy and unusual traffic; and

WHEREAS, the City of Elgin is an incorporated city of the State of Oregon and has a population of less than 5,000 as given by the latest official federal census; and

WHEREAS, the following streets of said city, Birch Street and 14th Street

are not a part or parts of the state highway system, but are streets under the jurisdiction and control of said City which are "receiving excessive wear through sudden increases in population in the area or heavy and unusual traffic; and

WHEREAS, said streets are and each of them is in need of repair, reconstruction, or other major improvement.

NOW, THEREFORE, the members of the City Council, in regular or special session assembled, do hereby find, declare, and resolve:

1. That the aforementioned named streets of said City are in need of repair, reconstruction, or other major improvement.

2. That said streets are in their present state and condition of disrepair because of excessive wear through sudden increases in population in the area or by heavy and unusual traffic.
3. That the Oregon Transportation Commission hereby is respectfully requested to consider and declare said streets as qualified for reconstruction, repair, or other improvements out of funds allocated and made available to the said Commission and through the said \$1,000,000 appropriation of revenues which is administered and spent by the Transportation Commission.
4. That the City of Elgin does hereby offer to the Oregon Transportation Commission and does hereby pledge complete cooperation and assistance to the end, that said City may share and participate in the cost and benefit of said special fund and appropriation; and therefore do hereby designate Joe Garlitz as the official representative of the City in all negotiations resulting from this request.

Passed and approved this 8th day of May, 1990.

There is attached hereto and made a part hereof, a city map on which is indicated the street, streets, road, or roads, described in this resolution.

I hereby certify that the foregoing resolution was passed and approved by the City Council of the City of Elgin at a regular ~~or special~~ meeting of said Council, held on the 8th day of May, 1990 and the above copy is a true and correct copy of the original and of the whole thereof.

Dated this 5th day of June, 1990.

Joe Garlitz
City Recorder

JG

2. That said streets are in their present state and condition of disrepair by reason of excessive wear through sudden increases in population in the area, or by heavy and unusual traffic.

3. That the Oregon Transportation Commission hereby is respectfully requested to consider and declare said streets as qualified for reconstruction, repair, or other improvements out of funds allocated and made available by and through the said \$1,000,000 appropriation of revenues which is to be administered and spent by the Transportation Commission.

4. That the City of Elgin does hereby offer to Transportation Commission and does hereby pledge complete cooperation and assistance to the end, that said City may share and participate in the use and benefit of said special fund and appropriation; and therefore does designate Joe Garlitz as the official representative of the City in all negotiations resulting from this request.

Passed and approved this 8th day of May, 1990.

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Dated this 5th day of June, 1990.

Joe Garlitz
City Recorder

JG

ELGIN SCHOOL DISTRICT NO. 23

BIRCH STREET, P.O. BOX 68, ELGIN, OREGON 97827 (503) 437-1211

BOARD OF EDUCATION
Steve McClure, Chairman
Betty L. Erickson Vice-Chairman
Betty J. Church
Jan Simonson
Russell Smith

SUPERINTENDENT
Joy Delgado

DEPUTY CLERK
Denise Ludwig

April 26, 1990

Mr. Joe Garlitz, Administrator
City of Elgin
108 N. 8th
Elgin, OR 97827

Dear Mr. Garlitz,

The Elgin School District appreciates your efforts in planning for road improvements in our area. We all are concerned about the road conditions in our community. The lack of pavement and numerous "potholes" create large amounts of dust and safety problems for pedestrians and drivers.

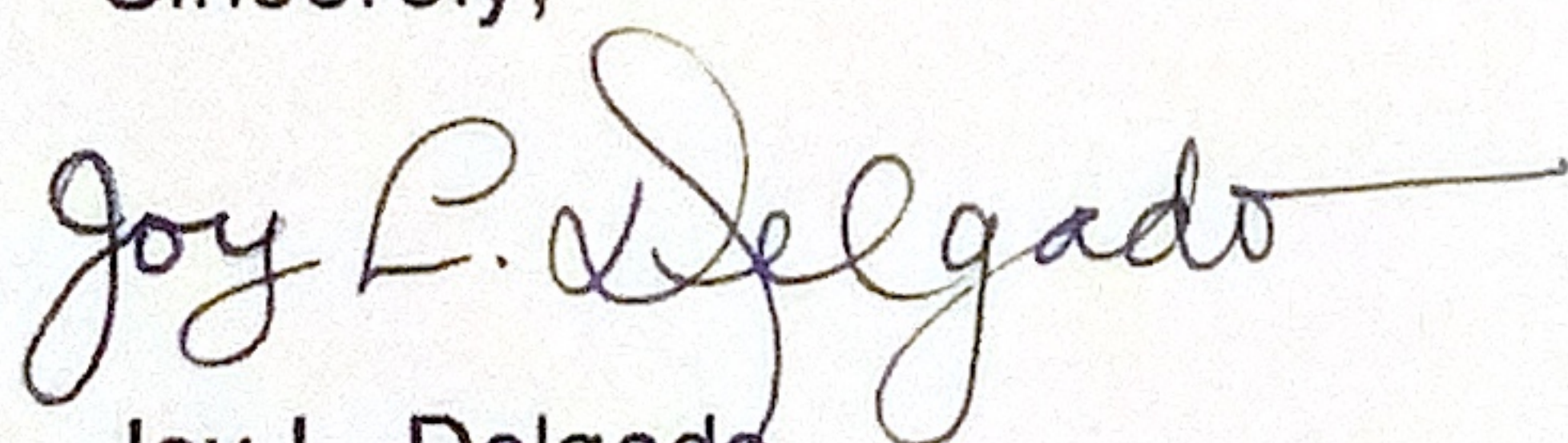
An area of particular safety concern is the road in front of Elgin High School. The high school building is located at 1400 Birch Street. School buses travel on Birch Street to load and unload students each day. The numerous pot holes, lack of pavement, large water pools, and muddy conditions create safety problems for drivers and pedestrians. Birch Street is also used by patrons visiting the school for the numerous athletic and extra curricular activities scheduled at the high school.

Although the city crews provide gravel to fill in the potholes, the rough conditions return soon after. With the extreme weather conditions we experience in this area, the roads do take a beating.

We support and encourage your efforts in obtaining resources to correct the dismal road conditions. We are especially concerned about the roads near the schools, as the safety of students is primary.

If we can assist you in any way, please do not hesitate to call us. Again, thank you for your efforts in improving our community.

Sincerely,



Joy L. Delgado
Superintendent

"Home of the Elgin High School Huskies



and the Stella Mayfield Puppies"

SMALL CITIES HIWAY GRANT
SPECIAL CITY ALLOTMENT

The City of Elgin proposes to repair portions of birch street and 14th street. These streets carry the traffic to and from the Elgin High School. During the school year the traffic during these streets is unusually heavy. Passenger car traffic during the morning and in the afternoon is very heavy. There is also considerable traffic during the noon lunch break and in the evenings. The evening traffic during meetings and sporting events is quite high as well. The school bus traffic over these streets causes heavy loading of the streets and adds to their extra wear.

This portion of Birch is close to the mill. As a result several log trucks are home based along the street. Though the trucks are not loaded while traveling on the street they do cause an additional heavy load stress to the street base.

The existing condition of the streets is as shown on the attached area map. Right-of-way widths and street project lengths are indicated thereon.

The project proposed is as follows:

BIRCH STREET

Clean and tac with CSSI emulsified asphalt, build crown in center of the street, patch holes and overlay with a 2 inch compacted mat of asphalt. Two areas are involved, one 10'x390', and one 20'x1270'

14TH STREET

Widen the street 8' for a length of 480'. Excavate the area and compact the sub-base, overlay with a 2" compacted mat of asphalt.

Clean and tac with CSSI emulsified asphalt, pre-level and patch pot holes, then overlay with a 2" mat of compacted asphalt. Total street length 580', width 28'.

The project cost is estimated to be \$31,000. The grant portion of the project would be \$25,000 and the city portion will be about \$7,000.

SCHOOL DISTRICT NO. 23

STREET, P.O. BOX 68, ELGIN, OREGON 97827 (503) 437-1211

BOARD OF EDUCATION
Steve McClure, Chairman
Betty L. Erickson Vice-Chairman
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SUPERINTENDENT
Joy Delgado

DEPUTY CLERK
Denise Ludwig

April 26, 1990

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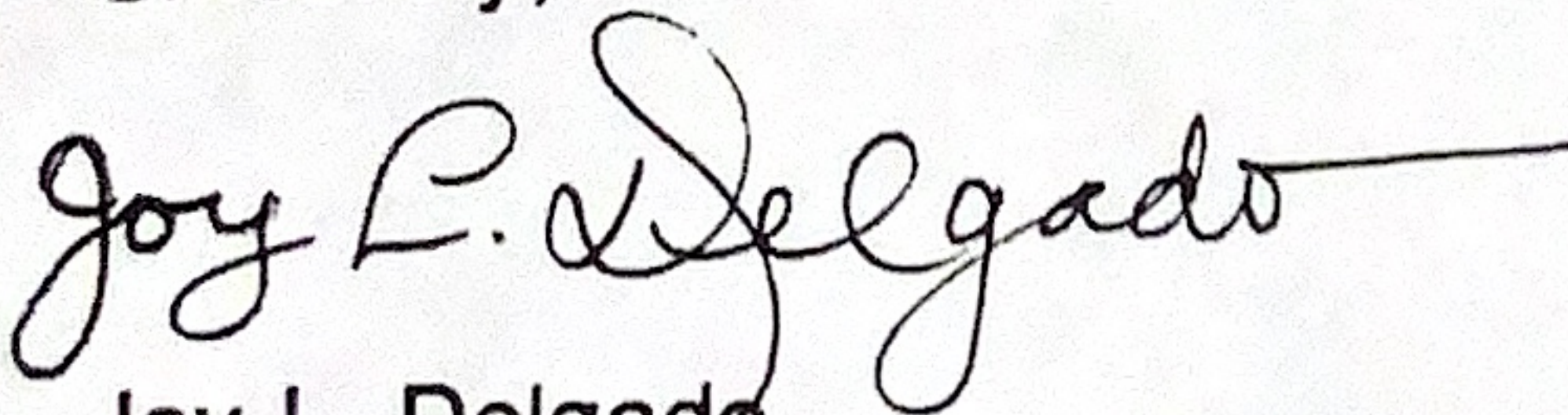
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Superintendent

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